

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

JULIE DERMANSKY,

Plaintiff,

- against -

HISPANIC MEDIA, LLC

Defendant.

Docket No. 2:20-cv-2825

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Julie Dermansky (“Dermansky” or “Plaintiff”) by and through her undersigned counsel, as and for her Complaint against Defendant Hispanic Media, LLC (“Hispanic Media” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of a Donald Trump Rally, owned and registered by Dermansky, a professional photographer. Accordingly, Dermansky seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant transacts business in Pennsylvania.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

## **PARTIES**

5. Dermansky is a professional photographer in the business of licensing her photographs to print and online media for a fee having a usual place of business at 2357 Cours Carson Street, Mandeville, LA 70448.

6. Upon information and belief, Hispanic Media is a limited liability company duly organized and existing under the laws of the State of Pennsylvania, with a place of business at 198 W. Chew Avenue, Philadelphia, PA 19120. Upon information and belief, Hispanic Media is registered with the Pennsylvania Department of State to do business in Pennsylvania. At all times material, hereto, Hispanic Media has owned and operated a website at the URL: [www.ElSolNewsMedia.com](http://www.ElSolNewsMedia.com) (the “Website”)

## **STATEMENT OF FACTS**

### **A. Background and Plaintiff’s Ownership of the Photograph**

7. Dermansky photographed a Donald Trump Rally (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Dermansky is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with the United States Copyright Office and was given registration number VA 2-000-285.

### **B. Defendant’s Infringing Activities**

10. Hispanic Media ran an article on the Website entitled *John N. Mitchell: Recent events say less about Trump and more about the U.S.* See: <https://elsolnewsmedia.com/john-n-mitchell-recent-events-say-less-about-trump-and-more-about-the-u-s/>. A true and correct copy of

the Photograph on the Website and a screenshot of the Photograph on the Website are attached hereto as Exhibit B.

11. Hispanic Media did not license the Photograph from Plaintiff for its article, nor did Hispanic Media have Plaintiff's permission or consent to publish the Photograph on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Hispanic Media infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Hispanic Media is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

17. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photographs, pursuant to 17 U.S.C. § 504(c).

18. Plaintiff further is entitled to her attorney's fees and full costs pursuant to 17 U.S.C. § 505.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Hispanic Media be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendants profits, gains or advantages of any kind attributable to Defendants infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York

June 14, 2020

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